

“(4) incorporate a comprehensive program ensuring administrative, technical, and physical safeguards to protect the privacy and security of means of identification (as defined in section 1028(d) of title 18, United States Code), against unauthorized and fraudulent access or uses;

“(5) impose limitations to ensure that any information containing means of identification transferred or shared with third-party vendors for the purposes of the information-based identity authentication described in this section is only used by the third-party vendors for the specific purposes authorized under this section;

“(6) include procedures to ensure accuracy and enable applicants for commercial driver’s licenses who are denied licenses as a result of the information-based identity authentication described in this section, to appeal the determination and correct information upon which the comparison described in subsection (a) is based;

“(7) ensure that the information-based identity authentication described in this section—

“(A) can accurately assess and authenticate identities; and

“(B) will not produce a large number of false positives or unjustified adverse consequences;

“(8) create penalties for knowing use of inaccurate information as a basis for comparison in authenticating identity; and

“(9) adopt policies and procedures establishing effective oversight of the information-based identity authentication systems of State departments of motor vehicles.”.

JUSTICE FOR TODD SMITH

Mr. NELSON of Florida. Mr. President, just today I initiated an effort to ask Peruvian President Alejandro Toledo to reopen an investigation into the brutal torture-murder of a young journalist from my state.

The 28-year-old reporter, Todd Smith, was found dead 15 years ago, his body discovered in Peru’s violent coca-producing region. This son of a Florida appellate judge worked for The Tampa Tribune, and was investigating the drug traffic in the northern Peruvian jungle.

Officials in Peru were quick to say the murder was the work of the Shining Path—a Maoist insurgent group said to be involved in protecting cultivators of the coca plant. Specifically, Peru’s Interior Ministry said Todd had been captured by Maoist rebels and possibly sold to drug traffickers for \$30,000.

Four years later, a secret counterterrorism trial in Peru resulted in a Shining Path guerrilla being sentenced to 30 years in prison for taking part in the murder.

He was the only person ever tried for the crime—and even he reportedly has received an early release. Little else was known.

Now, however, the transcript of that secret 1993 trial has emerged, including an intelligence report that identifies a businessman who founded a Peru airline as one of the masterminds behind Todd’s killing. The complete court file was obtained by a Lima-based institute for a free press and society.

According to one of several detailed intelligence reports in the trial tran-

script, the guerrillas who tortured and strangled Todd were working for Peru businessman Fernando Zevallos, and two others allegedly involved in the drug trade.

But Zevallos—labeled a Peruvian cocaine kingpin last year by the Bush administration—was never charged in the case. The New York Times quotes American and Peruvian authorities as saying he has evaded justice for so long by bribing court officials and killing witnesses.

It has been over 15 years since a son of Florida and a member of the fourth estate was tortured and strangled to death in the jungles of Peru—and clearly, justice has yet to be served.

In January, I went to Peru and there I established a working relationship with President Toledo and was joined by Ambassador Ferrero, Peru’s ambassador to the United States.

Today, through proper diplomatic channels, I made a formal request that President Toledo immediately reopen the investigation into Todd Smith’s death; and, that his government cooperate fully with our State Department and FBI. And Ambassador Ferrero told me he “would put all [his] effort into this.”

I hope my Senate colleagues will join me in demanding that justice finally be served in this case.

Todd’s parents, and his two sisters, deserve no less.

Mr. President, I am going to bird-dog this with everything I have to see that this case is brought to justice. I do believe the Peruvian government clearly has an interest, now that the secret court files have come to light, to get to the bottom of this. I earnestly hope we will get the cooperation of the Peruvian government in reopening the investigation. There is no excuse, when an American newspaper reporter is brutally tortured and murdered, that we should not have all the facts. If it leads, in fact, to this businessman, then so be it. We owe this especially to this family in Florida that for so long has not known any of the facts of this brutal killing of their son.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 742 TO AMENDMENT NO. 605

Mr. INHOFE. Mr. President, I ask unanimous consent that the Talent amendment at the desk, which is identical to the amendment previously agreed to, be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for Mr. TALENT, proposes an amendment numbered 742.

The amendment is as follows:

(Purpose: To require notice regarding the criteria for small business concerns to participate in Federally funded projects)

At the end of subtitle H of title I, add the following:

SEC. 18. NOTICE REGARDING PARTICIPATION OF SMALL BUSINESS CONCERNS.

The Secretary of Transportation shall notify each State or political subdivision of a State to which the Secretary of Transportation awards a grant or other Federal funds of the criteria for participation by a small business concern in any program or project that is funded, in whole or in part, by the Federal Government under section 155 of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 567g).

The PRESIDING OFFICER. Without objection, the request is agreed to.

The amendment (No. 742) was agreed to.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that we now go into a period of morning business, providing that each Senator can speak up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT DAVID RICE

Mr. GRASSLEY. Mr. President, it saddens me to report today that another young Iowan has fallen courageously in service to his country as part of Operation Iraqi Freedom. Sergeant David Rice, a fire support specialist with the 1st Battalion, 5th Field Artillery Regiment, 1st Infantry Division, died on April 26 when his vehicle overturned near Muqdadiyah. He was 22 years old.

David grew up in Sioux City, IA, and attended East High School where he excelled in football, wrestling, and track and field. He joined the Army after graduating from East in 2001 and was on his second tour of duty in Iraq.

David Rice is remembered by friends and family as a hard-working, quiet leader. In memory of Sergeant Rice, I would like to recognize today all of our military men and women, like David, who have been the quiet, dedicated leaders who have helped see our country through this difficult time. My prayers go out to the family of Sergeant David Rice, his father David, his mother Laurinda, and his sister Stevie. They should know that his leadership and sacrifice have not gone unnoticed but have earned him the gratitude of a Nation.

SERGEANT ANGELO L. LOZADA, JR.

Mr. GREGG. Mr. President, I rise today to remember and honor Sergeant Angelo Lozada, Jr. of Nashua, NH for his service and supreme sacrifice for his country.

Angelo demonstrated a willingness and dedication to serve and defend his country by joining the United States Army. Just as many of America's heroes have taken up arms in the face of dire threats, Angelo dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life, but his sacrifice will live on forever among the many dedicated heroes this Nation has sent abroad to defend freedom.

Angelo felt the call to serve our Nation early, and dutifully joined the Reserves after he graduated from high school. He served for 6 years in the New Hampshire Army National Guard's Bravo Battery, 1st Battalion, 172nd Field Artillery Regiment before signing up for active duty on July 26, 2000. He was deployed to Iraq in 2003, where he served in Alpha Battery, 2nd Battalion, 17th Field Artillery Regiment, 2nd Infantry Division, stationed out of Camp Hovey, Korea. Tragically, on April 16, 2005, Angelo made the ultimate sacrifice for this great Nation. He died of injuries sustained while conducting combat operations in Ar Ramadi, Iraq.

Throughout his career, Angelo earned a series of accolades which testify to the dedication and devotion he held for his fellow soldiers, the Army, and his country. Angelo's hard work and dedication contributed greatly to his unit's successes and placed him among many of the great heroes and citizens that have paid the ultimate price for their country. Angelo was recognized posthumously for his courageous actions in Iraq by receiving the Bronze Star, the Purple Heart, and an Army Commendation Medal. He had also been recognized throughout his distinguished career by receiving the Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Army Service Ribbon, and the Weapons Qualification Badge, M-16 Expert. He was also a graduate of the Primary Leadership Development Course and was recently promoted to Sergeant in May of 2004.

Angelo was truly an exceptional soldier with more than 10 years of service and a father of three who had decided to reenlist after his tour of duty in Iraq. He leaves behind a family with a proud tradition of military service, including three brothers who served in the Army.

My condolences and prayers go out to Angelo's family, and I offer them my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their soldier, Sgt Angelo Lozada, Jr. He was respected and admired by all those around him, and

continually performed above and beyond all expectations while in the United States Army. Because of his efforts, the liberty of this country is made more secure.

MORE OPPOSITION TO THE GUN INDUSTRY IMMUNITY BILL

Mr. LEVIN. Mr. President, since the reintroduction of the Protection of Lawful Commerce in Arms Act, many law enforcement and community groups around the country have publicly stated their opposition to the bill. In Michigan alone, the bill is opposed by organizations including the Michigan Association of Chiefs of Police, the League of Women Voters of Michigan, the Michigan Partnership to Prevent Gun Violence, and local chapters of the Million Mom March.

Law enforcement and community groups oppose the misnamed "Protection of Lawful Commerce in Arms Act" because it would significantly weaken the legal rights of gun violence victims. The bill would provide members of the gun industry with legal protections not enjoyed by other industries and deprive many gun violence victims with legitimate cases of their day in court.

Two former Directors of the Bureau of Alcohol, Tobacco, and Firearms have added their voices to the already considerable and growing opposition to this bill. In a letter to Congress, former ATF Directors Stephen Higgins and Rex Davis state that the gun industry immunity legislation would threaten the ATF's ability to effectively enforce our Nation's gun laws. Specifically, they cite provisions in the bill that would likely block the ATF from pursuing administrative proceedings "to revoke a gun dealer's federal firearm license if the dealer supplies guns to criminals or other prohibited buyers" and "to prevent the importation of non-sporting firearms used frequently in crimes." Later in the letter, former Directors Higgins and Davis state:

We know from experience how important it is that ATF be able to enforce our nation's gun laws to prevent firearms from being obtained by terrorists, other criminals, and the gun traffickers who supply them. To protect our citizens from the scourge of gun violence Congress should be strengthening our laws and increasing ATF's resources and ability to enforce those laws. To handcuff ATF, as this bill does, will only serve to shield corrupt gun sellers, and facilitate criminals and terrorists who seek to wreak havoc with deadly weapons. To take such anti-law enforcement actions in the post-9/11 age, when we know that suspected terrorists are obtaining firearms, and may well seek them from irresponsible gun dealers, is nothing short of madness.

Combined, former Directors Higgins and Davis have more than two decades of experience in leading the ATF. We should recognize their extensive knowledge of gun violence issues and follow their advice. Instead of providing a single industry with broad immunity, we should be protecting the legal rights of

gun violence victims and enhancing the effectiveness of our law enforcement agencies.

I ask unanimous consent that a list of some of the law enforcement and community organizations opposing this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MICHIGAN ORGANIZATIONS

Michigan Association of Chiefs of Police
League of Women Voters of Michigan
Michigan Partnership to Prevent Gun Violence
Detroit Million Mom March Chapter
East Metro Detroit Million Mom March Chapter
Mid-Michigan/Lansing Million Mom March Chapter
Novi Million Mom March Chapter
Southwest Michigan Million Mom March Chapter
Washtenaw County MMM Chapter
West Metro Detroit/Washtenaw County Million Mom March Chapter

NATIONAL LAW ENFORCEMENT ORGANIZATIONS

International Brotherhood of Police Officers
Major Cities Chiefs Association
National Black Police Association
Hispanic American Police Command Officers Association

OTHER NATIONAL ORGANIZATIONS

Alliance for Justice
American Association of School Psychologists
American Association of Suicidology
American Bar Association
Americans for Democratic Action
American Humanist Association
American Public Health Association
Brady Campaign To Prevent Gun Violence
united with the Million Mom March
Child Welfare League of America
Children's Defense Fund
Church Women United
Coalition To Stop Gun Violence
Common Cause
Congregation of Sisters of St. Agnes Leadership Team
Consumer Federation of America
Consumers for Auto Reliability and Safety
Disciples Justice Action Network
Equal Partners in Faith
Evangelical Lutheran Church in America
Hadassah The Women's Zionist Organization Of America
HELP Network
League of Women Voters of the U.S.
Legal Community Against Violence
National Council of Jewish Women
National Council of Women's Organization
National Research Center for Women & Families
Physicians for Social Responsibility
Presbyterian Church (USA)
Public Citizen
Religious Action Center of Reform Judaism
States United to Prevent Gun Violence
The American Jewish Committee
The Ms. Foundation for Women
The Society of Public Health Education (SOPHE)
The United States Conference of Mayors
Unitarian Universalist Association of Congregations
Veteran Feminists of America
Women's Institute for Freedom of the Press

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. McCain. Mr. President, when the Senate debated this bill a few weeks